

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

FEBRUARY 1, 2007

The Marlboro Township Council held its regularly scheduled meeting on February 1, 2007 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the regularly scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilwoman Morelli, Councilman Pernice, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.

Also present were: Mayor Robert Kleinberg, Andrew Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

The following Res. # 2007-47/Ord. # 2007-4 (Amending Chapter 84 - Height of Buildings) was introduced by reference, offered by Council Vice President Rosenthal and seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-47

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-4

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO CLARIFY BUILDING HEIGHT REQUIREMENTS

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 1, 2007 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-4

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO CLARIFY BUILDING HEIGHT REQUIREMENTS

WHEREAS, the Code of the Township of Marlboro, Chapter 84 "Land Use Development and Regulations," sets forth the maximum height for various structures within the Township of Marlboro; and

WHEREAS, the Township Council desires to amend Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro to ensure that the height of certain structures within the Township do not exceed 35 feet.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that subsection (D)(8) of Section 84-48 "MFD Multifamily District" of Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby is amended in its entirety to state as follows:

"§ 84-48 MDF Multifamily District.

(D)(8) Height. The height of the habitable part of the building shall not exceed three stories, and in no event shall the total height of the building exceed 35 feet. No basement units shall be permitted. In the PAC District, the height shall not exceed two stories, and in no event shall the total height of the building exceed 35 feet.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that

subsections (C)(1)(h) and (C)(2)(h) of Section 84-48.1 "MFD-I Multifamily District" of Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby are amended in their entirety to state as follows:

"§ 84-48.1 MFD-I Multifamily District.

(C)(1)(h) Height. The maximum height for principal structures shall be 2 ½ stories and in no event shall the total height of the structure exceed 35 feet. The maximum height for accessory structures shall be 15 feet.

(C)(2)(h) Height. The maximum height for principal structures shall be 2 ½ stories and in no event shall the total height of the structure exceed 35 feet. The maximum height for accessory structures shall be 15 feet.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that subsection (C)(1)(g) of Section 84-48.2 "MFD-II Multifamily District" of Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby is amended in its entirety to state as follows:

"§ 84-48.2 MFD-II Multifamily District.

(C)(1)(g) Height. The maximum height shall be 2 ½ stories and in no event shall the height exceed 35 feet.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that subsections (D)(3)(f), (D)(4)(f) and (D)(5)(e) of Section 84-48.3 "SCMFD-I Senior Citizen Multifamily District I" of Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby are amended in their entirety to state as follows:

"§ 84-48.3 SCMFD- I Senior Citizen Multifamily District I.

(D)(3)(f) Height. The maximum building height shall be 2 ½ stories and in no event shall the height exceed 35 feet.

(D)(4)(f) Height. The maximum building height shall be 2 ½ stories and in no event shall the height exceed 35 feet.

(D)(5)(e) Height. The maximum building height shall be three stories and in no event shall the height exceed 35 feet.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that subsections (D)(3)(f), (D)(4)(f) and (D)(5)(e) of Section 84-48.4 "SCMFD-II Senior Citizen Multifamily District II" of Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby are amended in their entirety to state as follows:

"§ 84-48.4 SCMFD- II Senior Citizen Multifamily District II.

(D)(3)(f) Height. The maximum building height shall be 2 ½ stories and in no event shall the height exceed 35 feet.

(D)(4)(f) Height. The maximum building height shall be 2 ½ stories and in no event shall the height exceed 35 feet.

(D)(5)(e) Height. The maximum building height shall be three stories and in no event shall the height exceed 35 feet.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that subsections (D)(3)(f) and (D)(4)(e) of Section 84-48.5 "MFPHD Multifamily/Patio Home District" of Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby are amended in their entirety to state as follows:

"§ 84-48.5 MFPHD Multifamily/Patio Home District.

(D)(3)(f) Height. The maximum building height shall be three stories and in no event shall the height exceed 35 feet. Said height may be increased to 40 feet for aesthetic purposes only if approved by the reviewing board.

(D)(4)(e) Height. The maximum building height shall be three stories and in no event shall the height exceed 35 feet. Said height may be increased to 40 feet for aesthetic purposes only if approved by the reviewing board.

BE IT FURTHER ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that subsection (C)(8) of Section 84-49.4 "PAC-III Planned Adult Community District" of Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby is amended in its entirety to state as follows:

"§ 84-49.4 PAC- III Planned Adult Community District.

(C)(8) Maximum building height. 2 ½ stories and in no event shall the height exceed 35 feet.

BE IT FURTHER ORDAINED, that any building or structure located in any of the zones covered by this Ordinance as of the effective date of the Ordinance or any building or structure for which all necessary Planning Board approvals and/or Zoning Board approvals have been obtained as of the effective date of the Ordinance that was in full compliance with the building height requirements in place prior to the adoption of this Ordinance and all other requirements for its particular zone but, as a result of this Ordinance, no longer meets the building height requirements for its particular zone, shall constitute a conforming structure; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

The following Res. # 2007-74/Ord. # 2007-5 (Amend Chapter 84 - Uses in C-2 Zone) was introduced by reference, offered by Councilwoman Morelli and seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-74

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-5

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO PERMIT COMMERCIAL EDUCATIONAL FACILITIES IN THE C-2 NEIGHBORHOOD COMMERCIAL DISTRICT

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on February 15, 2007 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-5

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO TO PERMIT COMMERCIAL EDUCATIONAL FACILITIES IN THE C-2 NEIGHBORHOOD COMMERCIAL DISTRICT

WHEREAS, commercial educational facilities, such as martial arts schools, dance schools, art schools and yoga/pilates studios currently are not permitted uses in the C-2 Neighborhood Commercial District; and

WHEREAS, the Township Council desires to amend Section 84-51 "C-2 Neighborhood Commercial District" to allow for such uses.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that Section 84-4 "Definitions" of Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby is amended to include the following definition:

"COMMERCIAL EDUCATIONAL FACILITY - A commercial recreational use whose principal activity is to educate and teach children and/or adults with respect to certain recreational, athletic and/or artistic activities, including without limitation, a martial arts school, dance school, art school and yoga/pilates studio."

BE IT FURTHER ORDAINED, that subsection (A) of Section 84-51 "C-2 Neighborhood Commercial District" of Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby is amended to include the following as subsection (A)(16):

"16) Commercial educational facilities."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

The following Res. # 2007-66 (Authorizing Professional Services Contract - Birdsall) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-66

A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICE CONTRACTS BETWEEN BIRDSALL ENGINEERING, INC. AND THE TOWNSHIP OF MARLBORO FOR VARIOUS ENGINEERING SERVICES

WHEREAS, the Township of Marlboro is in need of professional engineering services for certain projects; and

WHEREAS, Birdsall Engineering, Inc. has submitted the following proposals (the "Proposals") and respective fees to the Township of Marlboro to provide the required professional engineering services:

- 1) Preliminary design and NJDEP permitting for the dredging of Greenbriar Pond in accordance with Proposal No. BEI061010KLE1 dated January 2, 2007, for an amount not to exceed \$38,800.00;
- 2) Site investigation services at Marlboro Township Park, Green Acres project #1330-05-025, Monmouth County Municipal Open Space Grant Program Application #05-10, in accordance with Proposal No. BEI060727JSM1 dated January 26, 2007, for an amount not to exceed \$9,264.00;
- 3) Arsenic and pesticide delineation sampling at the former Dimeo property, southern portion, Tax Lot 1, Block 159, in accordance with Proposal No.

BEI070122DFB1 dated January 24, 2007, in an amount not to exceed \$18,964.00; and

WHEREAS, the Chief Financial Officer has certified in writing that certain of these proposals will exceed \$17,500; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposals; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted a Marlboro Township Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8 and Section 26-1, *et seq.* of the Code of the Township of Marlboro; and

WHEREAS, Birdsall Engineering, Inc. has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute contracts, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposals and not to exceed those amounts referenced above; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contracts, which is attached hereto, and that sufficient funds are available for said contracts from the following Account Numbers; and

- 1) Account No. X-04-55-960-940 (\$30,000) and X-04-55-959-941 (\$9,000);
- 2) Account No. X-04-55-959-957; and
- 3) Account No. T-15-56-859-815; and

BE IT FURTHER RESOLVED, that Birdsall Engineering, Inc.'s Business Entity Disclosure Certification is attached hereto; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2007-67 (Authorizing Settlement of 2006 Tax Appeal B. 269, L. 4.01) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-67

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2006 TAX
APPEAL INVOLVING BLOCK 269, LOT 4.01, KNOWN AS 280
ROUTE 9 IN THE TOWNSHIP OF MARLBORO

WHEREAS, an appeal of the 2006 real property tax assessment of Block 269, Lot 4.01, 280 Route 9, in the Township of Marlboro have been filed; and

WHEREAS, said property is owned by Union Hill Nine Associates; and

WHEREAS, settlement of the 2006 appeal is in the best interest of the Township; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Marlboro, in the County of Monmouth, and State of New Jersey, as follows:

1. Settlement of the tax appeal filed with the Tax Court of New Jersey challenging the assessed valuation of Block 269, Lot 4.01 is hereby authorized as follows:

Block 269, Lot 4.01; 280 Route 9

2006	<u>ORIGINAL ASSESSMENT</u>	<u>PROPOSED ASSESSMENT</u>
Land:	\$4,395,200	\$4,395,200
Improvements:	13,873,000	11,975,600
TOTAL:	18,268,200	16,370,800

2. This settlement is conditioned upon the taxpayer waiving any interest due on the refund of taxes.

3. The Tax Assessor is hereby authorized to apportion the value between the land and improvements for each settlement.

4. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.

5. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Fred Semrau of Dorsey & Semrau
- b. Township Administrator
- c. Township Tax Assessor
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2007-68 (Authorizing Professional Services Contract - Gravatt Consulting - Phase I - Brown Road) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-68

A RESOLUTION AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICE CONTRACTS BETWEEN GRAVATT CONSULTING GROUP AND THE TOWNSHIP OF MARLBORO FOR BROWN ROAD IMPROVEMENTS- PHASE I

WHEREAS, the Township of Marlboro is in need of professional consulting services for improvements that need to be completed on Brown Road in the Township of Marlboro; and

WHEREAS, Gravatt Consulting Group submitted a proposal dated January 15, 2007, to the Township of Marlboro to provide the required professional consulting services including a field survey, topographic surveys, location and uses of all adjacent buildings, survey location of all individual trees within the project corridor, preparation of a topographic and existing condition map, and attendance at one meeting with the Mayor and Township Engineer, for an amount not to exceed \$37,080.00; and

WHEREAS, the Chief Financial Officer has certified in writing that this Proposal exceeds \$17,500; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Gravatt Consulting Group to provide the required professional services in accordance with the Proposal; and

WHEREAS, Gravatt Consulting Group has completed and submitted a Marlboro Township Business Entity Disclosure Certification, pursuant to N.J.S.A. 19:44A-20.8 and Section 26-1, *et seq.* of the Code of the Township of Marlboro; and

WHEREAS, Gravatt Consulting Group has completed and submitted the necessary disclosure of political contributions pursuant to N.J.S.A. 19:44A-20.26; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Gravatt Consulting Group and the Township of Marlboro to provide the required professional services in accordance with the Proposal in an amount not to exceed \$37,080.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contracts, which is attached hereto, and that sufficient funds are available for said contracts from Account Number X-04-55-955-802; and

BE IT FURTHER RESOLVED, that Gravatt Consulting Group's Business Entity Disclosure Certification is attached hereto; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Gravatt Consulting Group
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. # 2007-69 (Bond Reduction Tennent Estates) was introduced by reference, offered Councilwoman Tragni, and seconded by Council Vice President Rosenthal. Discussion followed, after which the resolution was defeated on a roll call vote of 1 - 4 with Councilwoman Morelli, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor voting no.

The following Res. # 2007-70 (Bond Reduction Triangle Business Park) was introduced by reference, offered by Councilwoman Morelli and seconded by Council Vice President Rosenthal. Discussion followed, after which the resolution was passed on a roll call vote of 3 - 2 in favor with Councilwoman Morelli and Council President Cantor voting no.

RESOLUTION # 2007-70

A RESOLUTION AUTHORIZING THE RELEASE OF THE RESTORATION CASH BONDS FOR THE TRIANGLE BUSINESS PARK, BLOCK 178, LOTS 293 and 294, AMBOY ROAD

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Triangle Business Park, LLC for the release of the Restoration Cash Bonds held by the Township for the project known as Triangle Business Park, Block 178, Lots 293 and 294, Amboy Road; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated December 26, 2006 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report indicates that all work associated with the clearing and grading phase of the above-reference project is complete and acceptable and recommends the release of the original Restoration Cash Bond dated July 21, 2006, in the amount of \$174,070.00 and the Supplemental

Restoration Cash Bond dated August 9, 2006, in the amount of \$9,750.00 for a return of the total amount of \$183,820.00; and

WHEREAS, the Engineer's Report recommends the release of the Restoration Cash Bonds being held by the Township conditioned upon: 1) the posting of performance guarantees including a \$1,619,173.40 insurance company bond and a \$179,908.17 cash bond to be held by the Township until all work is complete, and 2) the payment of all fees as required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Restoration Cash Bonds.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Restoration Cash Bonds posted for the project known as Triangle Business Park, Block 178, Lots 293 and 294, Amboy Road shall be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Restoration Cash Bond shall be conditioned upon: 1) the posting of performance guarantees including a \$1,619,173.40 insurance company bond and a \$179,908.17 cash bond to be held by the Township until all work is complete, and 2) the payment of all fees as required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Triangle Business Park, LLC
- b. Township Engineer
- c. Chief Financial Officer
- d. Gluck Walrath LLP

Councilman Pernice requested that Res. #2007-75 (Authorization to Bid - Artificial Turf Field) be removed from the consent agenda and considered separately.

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor: Res. #2007-71 (Award of State Contract -

2007 Dodge Charger - from Safe Corridor Grant) and
Res. #2007-72 (Award of State Contract - Mobile Data Terminals.

RESOLUTION # 2007-71

RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) NEW 2007
DODGE CHARGER AND RELATED EQUIPMENT
STATE CONTRACT #A67129

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase one (1) new 2007 Dodge Charger and related equipment from Warnock Motor Sales, Inc. d/b/a Warnock Chevrolet Geo, 175 Route 10, East Hanover, NJ 07936 under State Contract #A67129 not to exceed \$24,000.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said vehicle to the Township of Marlboro; and

WHEREAS, funds are available through the Safe Corridor Grant, Account Number G-07-41-802-399 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said vehicle and related equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one (1) new 2007 Dodge Charger and related equipment from Warnock Motor Sales, Inc. d/b/a Warnock Chevrolet Geo, 175 Route 10, East Hanover, NJ 07936 under State Contract #A67129 not to exceed \$24,000.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Warnock Motor Sales, Inc. d/b/a Warnock Chevrolet Geo, East Hanover, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2007-72

RESOLUTION AUTHORIZING THE PURCHASE OF NINE (9) MOBILE
DATA TERMINALS (MDT's) FOR THE MARLBORO TOWNSHIP POLICE
DEPARTMENT STATE CONTRACT #A88804

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase nine (9) Mobile Data Terminals (MDT's) from Quality Communications, 1985 Swarthmore Avenue, Lakewood, NJ 08701 under State Contract #A88804 not to exceed \$38,655.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide said equipment to the Township of Marlboro; and

WHEREAS, funds are available in Capital Account Numbers X-04-55-933-928, X-04-55-933-929, X-04-55-960-943 and X-04-55-960-644 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase nine (9) Mobile Data Terminals (MDT's) from Quality Communications, 1985 Swarthmore Avenue, Lakewood, NJ 08701 under State Contract #A88804 not to exceed \$38,655.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Quality Communications, Lakewood, NJ
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Res. #2007-75 (Authorization to Bid - Artificial Turf Field) was introduced by reference, offered by Councilman

Pernice and seconded by Council Vice President Rosenthal. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-75

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Artificial Turf Field

BE IT FURTHER RESOLVED that a fee of \$300 be paid to the State of New Jersey for the soil erosion permit for this project.

The following items were carried to the February 15, 2007 agenda: Item #15 (Tax Collector Resolutions).

At 9:55PM, Councilwoman Tragni moved that the meeting go into executive session for reason of discussing property acquisition. This was seconded by Councilwoman Morelli and passed on a roll call vote of 5 - 0 in favor. Recess was called and the executive session reconvened at 10:05PM.

RESOLUTION # 2007-73

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 1st day of February, 2007 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, property acquisition.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned item and that such executive session should take approximately 10 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:14 PM, Council President Cantor moved that the meeting be opened. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:15 PM, Council President Cantor moved that the meeting be adjourned. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: March 15, 2007

OFFERED BY: Rosenthal AYES: 5

SECONDED BY: Cantor NAYS: 0

ALIDA DE GAETA,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT